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CODIFICATION

Provisions of this chapter are derived from the Foreign Service Act of 1946, former section 801 et seq. of this title, and related and miscellaneous provisions as follows:

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FOREIGN COMMERCIAL SERVICE

For authority of Secretary of Commerce to establish a Foreign Commercial Service in Department of Commerce, see section 1–104 of Ex. Ord. No. 12188, Jan. 2, 1980, 45 F.R. 991, as amended, set out as a note under section 2171 of Title 19, Customs Duties.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 285a, 290g–1, 290i–2, 1474, 1928, 2021, 2024, 2385, 2391, 2396, 2504, 2506, 2514, 2605, 2664a, 2684, 3503, 4823, 6982 of this title; title 5 sections 5102, 5721, 5724; title 15 section 4721; title 38 section 707; title 42 section 5055.

SUBCHAPTER I—GENERAL PROVISIONS

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in section 4153 of this title.

§ 3901. Congressional findings and objectives

(a) The Congress finds that—

(1) a career foreign service, characterized by excellence and professionalism, is essential in the national interest to assist the President and the Secretary of State in conducting the foreign affairs of the United States;

(2) the scope and complexity of the foreign affairs of the Nation have heightened the need for a professional foreign service that will serve the foreign affairs interests of the United States in an integrated fashion and that can provide a resource of qualified personnel for the President, the Secretary of State, and the agencies concerned with foreign affairs;

(3) the Foreign Service of the United States, established under the Act of May 24, 1924 (commonly known as the Rogers Act) and continued by the Foreign Service Act of 1946, must be preserved, strengthened, and improved in order to carry out its mission effectively in response to the complex challenges of modern diplomacy and international relations;

(4) the members of the Foreign Service should be representative of the American people, aware of the principles and history of the United States and informed of current concerns and trends in American life, knowledgeable of the affairs, cultures, and languages of other countries, and available to serve in assignments throughout the world; and

(5) the Foreign Service should be operated on the basis of merit principles.

(b) The objective of this chapter is to strengthen and improve the Foreign Service of the United States by—

(1) assuring, in accordance with merit principles, admission through impartial and rigorous examination, acquisition of career status only by those who have demonstrated their fitness through successful completion of probationary assignments, effective career development, advancement and retention of the ablest, and separation of those who do not meet the requisite standards of performance;

(2) fostering the development and vigorous implementation of policies and procedures, including affirmative action programs, which will facilitate and encourage (A) entry into and advancement in the Foreign Service by persons from all segments of American society, and (B) equal opportunity and fair and equitable treatment for all without regard to political affiliation, race, color, religion, national origin, sex, marital status, age, or handicapping condition;

(3) providing for more efficient, economical, and equitable personnel administration through a simplified structure of Foreign Service personnel categories and salaries;

(4) establishing a statutory basis for participation by the members of the Foreign Service, through their elected representatives, in the formulation of personnel policies and procedures which affect their conditions of employment, and maintaining a fair and effective system for the resolution of individual grievances that will ensure the fullest measure of due process for the members of the Foreign Service;

(5) minimizing the impact of the hardships, disruptions, and other unusual conditions of service abroad upon the members of the Foreign Service, and mitigating the special impact of such conditions upon their families;

(6) providing salaries, allowances, and benefits that will permit the Foreign Service to attract and retain qualified personnel as well as a system of incentive payments and awards to encourage and reward outstanding performance;

(7) establishing a Senior Foreign Service which is characterized by strong policy formulation capabilities, outstanding executive leadership qualities, and highly developed functional, foreign language, and area expertise;

(8) improving Foreign Service managerial flexibility and effectiveness;

(9) increasing efficiency and economy by promoting maximum compatibility among the agencies authorized by law to utilize the Foreign Service personnel system, as well as compatibility between the Foreign Service per-

sonnel system and other personnel systems of the Government; and

(10) otherwise enabling the Foreign Service to serve effectively the interests of the United States and to provide the highest caliber of representation in the conduct of foreign affairs.

(Pub. L. 96-465, title I, § 101, Oct. 17, 1980, 94 Stat. 2074.)

REFERENCES IN TEXT

Act of May 24, 1924 (commonly known as the Rogers Act), referred to in subsec. (a)(3), is act May 24, 1924, ch. 182, 43 Stat. 140, as amended, which was classified generally to section 1 et seq. of this title and was repealed in large part by section 1131 of title XI of act Aug. 13, 1946, ch. 957, 60 Stat. 1037, known as the Foreign Service Act of 1946, which generally revised the laws relating to the administration of the Foreign Service (see below). For complete classification of Act May 24, 1924 to the Code, see Tables.

The Foreign Service Act of 1946, referred to in subsec. (a)(3), is act Aug. 13, 1946, ch. 957, titles I to X, 60 Stat. 999, as amended, which was classified principally to chapter 14 (§ 801 et seq.) of this title, and was repealed by Pub. L. 96-465, title II, § 2205(1), Oct. 17, 1980, 94 Stat. 2159, the Foreign Service Act of 1980, as part of the general revision of the laws relating to the administration of the Foreign Service. For complete classification of the 1946 Act to the Code prior to its repeal, see Tables.

This chapter, referred to in subsec. (b), was in the original “this Act”, meaning Pub. L. 96-465, Oct. 17, 1980, 94 Stat. 2071, as amended, known as the Foreign Service Act of 1980, which is classified principally to this chapter (§ 3901 et seq.). For complete classification of this Act to the Code, see Short Title note set out below and Tables.

EFFECTIVE DATE

Section 2403 of Pub. L. 96-465, as amended by Pub. L. 99-93, title I, § 119(b), Aug. 16, 1985, 99 Stat. 412, provided that:

“(a) Except as otherwise provided, this Act [see Short Title note set out below] shall take effect on February 15, 1981.

“(b) Personnel actions may be taken on and after the effective date of this Act on the basis of any then current Foreign Service evaluation cycle as if this Act [see Short Title note set out below] had been in effect at the beginning of that cycle.

“(c) Repealed. Pub. L. 99-93, title I, § 119(b), Aug. 16, 1985, 99 Stat. 412, eff. Oct. 1, 1985]

“(d)(1) Section 812 of this Act [section 4052 of this title], and the repeal of sections 631 and 632 of the Foreign Service Act of 1946 [sections 1001 and 1002 of this title] and section 625(k) of the Foreign Assistance Act of 1961 [section 2385(k) of this title], shall be effective as of the date of enactment of this Act [Oct. 17, 1980].

“(2) For purposes of implementing section 2101 [section 4151 of this title], sections 402(a) and 403 [sections 3962(a) and 3963 of this title] shall be effective as of the date of enactment of this Act [Oct. 17, 1980].

“(e)(1) The provisions of chapter 8 of title I [subchapter VIII of this chapter] regarding the rights of former spouses to any annuity under section 814(a) [section 4054(a) of this title] shall apply in the case of any individual who after the effective date of this Act becomes a former spouse of an individual who separates from the Service after such date.

“(2) Except to the extent provided in section 2109 [section 4159 of this title], the provisions of such chapter [subchapter VIII of this chapter] regarding the rights of former spouses to receive survivor annuities under chapter 8 [subchapter VIII of this chapter] shall apply in the case of any individual who after the effective date of this Act becomes a former spouse of a participant or former participant in the Foreign Service Retirement and Disability System.”